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10 UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

11 In Re:

12 GIGA WATT, INC.,

13 Debtor.

14 No. 18-03197-11

15 **[PROPOSED] ORDER REGARDING
PRODUCTION OF DOCUMENTS
RESPONSIVE TO RULE 2004 ORDER
AND PLACING LIMITS ON THE USE OF
CONFIDENTIAL INFORMATION IN
SUCH DOCUMENTS**

16 THIS MATTER came on for hearing pursuant to Perkins Coie LLP's Motion for
17 Further Direction and for Protective Order Regarding Ex Parte Order for Rule 2004
18 Examination, the Court having reviewed and considered the pleadings and papers filed
19 in connection with such motion, the Court hereby rules as follows:

20 1. For purposes of Rule of Professional Conduct 1.6(b)(6), Perkins is hereby
21 directed to produce to the Trustee, in a reasonably prompt fashion, those non-
22 privileged documents which are responsive to the Rule 2004 Order which this Court
23 entered on July 6, 2020.
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ORDER RE PRODUCTION OF DOCUMENTS
RESPONSIVE TO RULE 2004 ORDER, ETC. - 1

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1 2. Perkins has informed the Trustee and the Court that many of the
2 documents which are responsive to the Rule 2004 Order contain financial or other
3 sensitive information. Accordingly, Perkins may designate as "Confidential" any
4 document which it reasonably and in good faith believes to contain information
5 involving business, financial, or personal information which should reasonably be
6 protected from public disclosure or dissemination. Such designations shall be made
7 by stamping or otherwise affixing the label "Confidential" on such documents. This
8 provision is without prejudice to the right of the Trustee to contest such designation.
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10 3. Unless otherwise ordered by the Court or agreed to in writing by Perkins
11 and the Trustee, Confidential documents may be used only for purposes relating to
12 this bankruptcy, and may be disclosed only to:

- 13 a. any party in interest to this bankruptcy directly concerned with the
14 issues then in dispute relating to such Confidential documents;
- 15 b. the Court, court personnel, court reporters, and their staff;
- 16 c. the counsel of record in this bankruptcy, as well as their staff to
17 whom it is reasonably necessary to disclose the information for this litigation;
- 18 d. experts and consultants to whom disclosure is reasonably
19 necessary;
- 20 e. any non-party vendor retained to assist any party in interest to this
21 bankruptcy and their attorneys with litigation-related activities, such as processing,
22 copying, imaging, and management of documents;
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ORDER RE PRODUCTION OF DOCUMENTS
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1 f. during their depositions or in any hearing or pretrial proceeding,
2 witnesses in the action to whom disclosure is reasonably necessary; and
3

4 g. the author or recipient of a document containing the information or
5 a custodian or other person who otherwise possessed or knew the information
6 contained in the document.

7 4. Confidential documents, or information derived from Confidential
8 documents, shall not be filed with the Court or included in pleadings, motions,
9 declarations, etc., except when such information and documents and any portion(s) of
10 such pleadings, motions, declarations, etc., that reference such material are
11 accompanied by a motion to seal pursuant to LBR 9018-1, unless otherwise ordered
12 by the Court. Documents or information designated as Confidential may be provided
13 to the Court *in camera* pending a decision on the motion to seal. If the Court grants
14 the motion to seal the material, the Confidential material shall be filed with the clerk
15 in accordance with local rules. If the motion to seal is denied, the material shall be
16 filed with the clerk in the normal fashion.
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19 5. The parties shall meet and confer regarding the procedures for use of any
20 materials designated as Confidential at trial or any hearing held in open court. If the
21 parties are unable to resolve a dispute related to the use of Confidential material in
22 open court, (a) the party who seeks to protect such Confidential material bears the
23 burden of requesting relief from the Court and (b) such relief shall be heard on an
24 expedited basis of ten (10) days or less, subject to the Court's calendar.
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ORDER RE PRODUCTION OF DOCUMENTS
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6. Any party may challenge a designation of confidentiality at any time.

Any motion regarding Confidential designations or for a subsequent Protective Order must include a certification, in the motion or in a declaration or affidavit, that the movant has engaged in a good faith meet-and-confer conference with other affected parties in an effort to resolve the dispute without Court action.

7. Within 60 days after the termination of this bankruptcy, including all appeals, each person possessing "Confidential" documents shall use reasonable efforts to destroy all Confidential material, including all copies, extracts, compilations, and summaries thereof.

8. This Order is without prejudice to the right of the Trustee to request further documents and without prejudice to Perkins' right to object to any such further requests.

///END OF ORDER///

Presented by:

BYRNES KELLER CROMWELL LLP

By /s/ Bradley S. Keller

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By /s/ Ralph E. Cromwell, Jr.

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**ORDER RE PRODUCTION OF DOCUMENTS
RESPONSIVE TO RULE 2004 ORDER, ETC. - 4**

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2 **CERTIFICATE OF SERVICE**
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7 I hereby certify that on this 12th day of August, 2020, I electronically filed the
8 foregoing with the Clerk of the Court using the CM/ECF System, which in turn
9 automatically generated a Notice of Electronic Filing (NEF) to all parties in the case
10 who are registered users of the CM/ECF system. The NEF for the foregoing
11 specifically identifies recipients of electronic notice.
12

13 By /s/ Ralph E. Cromwell, Jr.
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ORDER RE PRODUCTION OF DOCUMENTS
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